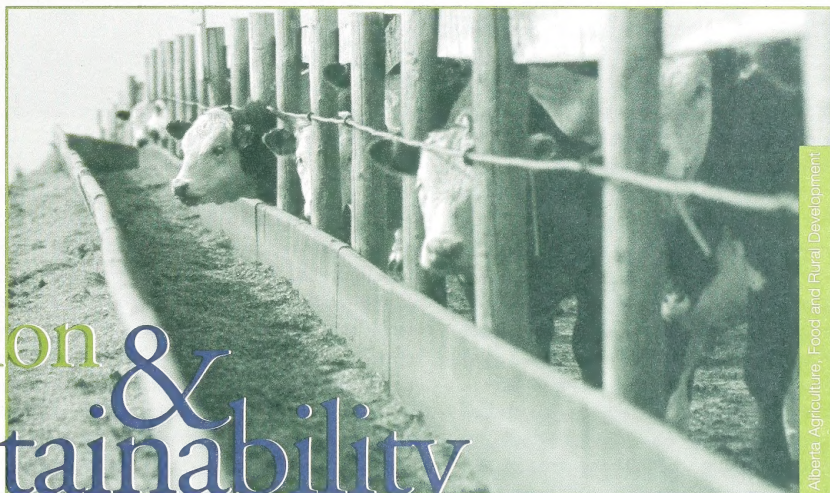


GREEN MATTERS

A newsletter from the Alberta Environmentally Sustainable Agriculture Council

Regulation & Sustainability



Alberta Agriculture, Food and Rural Development

From AESA Council's Chair

*by Bruce Beattie,
Alberta Milk Producers*

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The passing of legislation bringing confined feeding operations (CFOs) under more stringent regulation should come as no surprise to anyone. The Canadian public wants low priced food at the supermarket – a huge store in a huge building, intensively managed and stocked with every imaginable food, beverage and household item. Yet the image of the family farm providing that food is held closely to the heart. Large operations are viewed with concern, especially in terms of the potential for any impact on the environment.

At the same time, international pressures to create a more level playing field for environmental requirements are also increasing. The Uruguay Round of the last world trade negotiations brought agriculture under the same trading rules as other industries. Can international environmental rules be far behind?

And Alberta's livestock industry itself sought a regulatory framework. To be sustainable, the industry must be profitable without degrading the environment. To attract investment, it needs a climate of stability with a predictable set of operational rules applicable to all who are in the industry in all parts of the province. Striking a

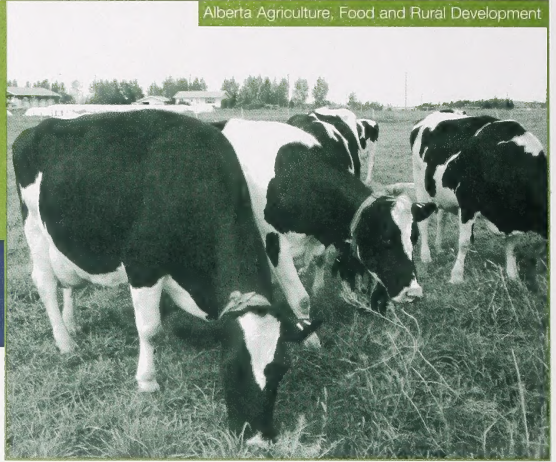
balance between the rights of the public and neighbours and those of the operator is not an easy task, but one that must be pursued in any legislation. Agriculture is changing, and at a record pace. It must meet and be seen to meet the same environmental standards as any other player in the economy.

But the regulatory framework is just one component in helping producers maintain a healthy environment and a healthy industry. The Alberta Environmentally Sustainable Agriculture (AESA) Council believes the voluntary Environmental Farm Plan (EFP) program is an excellent tool. Developing an EFP for an operation will provide a strategy for a producer to meet any of the requirements for an environmentally sound and responsible operation. And the new manuals on beneficial management practices (BMP) for the environment, described in this issue in 'BMP Manuals – Better Options for a Healthy Environment', will provide information on options for implementing the plan.

With any new initiative comes challenge and change. The new framework may not be perfect but it is a determined attempt to deal with an important issue.

New Regulatory Framework

Striking a Balance



Developed through three years of public consultation, a new regulatory framework for confined feeding operations came into effect on January 1, 2002. With this major amendment to the Agricultural Operation Practices Act (AOPA), Alberta has established provincial standards aimed at protecting the environment and human health while supporting the sustainable growth of the livestock industry.

Leduc MLA Albert Klapstein, who chaired the Sustainable Management of the Livestock Industry in Alberta (SMLIA) Committee, says, "The regulations and standards now in place – rather than being voluntary and recommendations as they were in the 2000 Code of Practice for Responsible Livestock Development and Manure Management – are now in law. That means all developments have to comply, particularly in terms of manure management and protecting water from manure runoff."

"It creates a level playing field, and it raises the bar for everybody."

The new regulatory framework provides for the application of consistent standards throughout Alberta, says Aaron Falkenberg, who co-chaired the Livestock Regulations Stakeholder Advisory Group (LRSAG). "I think we will have a fairer system that holds everyone to the same standards and allows the industry to grow. It creates a level playing field, and it raises the bar for everybody."

Refining the standards

The wheels of change started rolling in the spring of 1998 when four government departments released a discussion paper asking Albertans if there was a need to change the current process to regulate confined feeding operations. The

response indicated support for change. As a result, the Honorable Ed Stelmach, then Agriculture Minister, created the LRSAG to examine how the livestock industry should be regulated.

The LRSAG's mandate was to develop a draft regulatory framework to meet the concerns of all stakeholders. The group worked hard to find common ground amid many opposing and strongly held viewpoints. With the aid of an Expert Committee, LRSAG reviewed the 1995 Code of Practice for the Safe and Economic Handling of Animal Manures, to ensure that the industry had sound and reasonable standards. Then, after holding two rounds of public consultations on its draft standards, the LRSAG submitted its report in May 2000.

"If we're going to continue to have an industry, never mind expand it, we have to be more accountable to the public as to where we're locating and how we're treating the environment," says Falkenberg, a poultry producer. "We've got to have fair standards to do that, and that's what we tried to establish."

Looking at land use

With the standards finalized, the next step was to address land use issues. In October 2000, the Sustainable Management of the Livestock Industry in Alberta (SMLIA) Committee was created to look at provincial and municipal roles, approval processes, and monitoring and enforcement. Like the LRSAG, this committee toured the province to gather stakeholder input.

Before the new framework came into effect, each municipality had responsibility for approving confined feeding operations. Committee chair Klapstein says, "Some municipalities were bringing bylaws into place that would virtually exclude new developments or an expansion of an existing one. And the rules weren't the same from one municipality to another. Also municipalities in

general did not have the resources to do the monitoring, inspection, and enforcement."

Thus, in its May 2001 report, the committee recommended that an independent, quasi-judicial, provincial body regulate CFOs to ensure a consistent approval and enforcement process across the province. The government selected the Natural Resources Conservation Board (NRCB) -- a quasi-judicial body experienced in regulating sustainable developments -- as the regulating body.

For information on the new framework, go to <www.agric.gov.ab.ca/ministry/acts/aopa-bill.html>.

Some highlights on the rules and roles

- All agricultural operations that spread manure must not spread manure within the buffer zones specified in the regulations to protect surface and groundwater resources.
- By 2005, all operations that spread manure will have to comply with the nitrogen application limits.
- The regulations focus on new and expanding confined feeding operations (fenced or enclosed areas where livestock are confined for feeding).
- Smaller proposed CFOs require registration, while larger ones require approval. The environmental standards are the same for both, but the process for larger operations includes a public notification component.
- The NRCB must notify municipalities of CFO applications, and it must consider municipal recommendations in its decisions.
- Alberta Agriculture, Food and Rural Development (AAFRD) worked with the NRCB, Alberta Environment, Alberta Municipal Affairs, Alberta Justice and Alberta Health and Wellness to develop the regulatory framework. AAFRD retains responsibility for updating the legislation and continues to provide extension and applied research services to the livestock industry.

NRCB Takes CFO on the Challenge

Finding a path through conflicting views is never easy. As the agency administering the new regulatory framework for confined feeding operations, the Natural Resources Conservation Board (NRCB) is hoping to blaze this path with two approaches. One is a consistent, efficient and credible decision-making process. The other is a responsive complaint resolution process.

And the destination the NRCB seeks is to serve the public interest. "We're challenged for each application to determine whether the application is in the public interest," says NRCB Chair Dr. Brian Bietz. "We think the public interest has three key elements that are going to drive our decisions. First of all, we think Albertans want to see a strong sustainable economy and they see agriculture as a cornerstone of that economy in the province. At the same time, they want every industry in the province to be environmentally sustainable -- that none of us has the right to permanently pollute the air, the water, or damage soils. And the third piece is that any industry must be done in a way that protects the use and enjoyment of private property." "Each of these elements is essential," he emphasizes.

In operation since 1991, the NRCB is an independent, quasi-judicial, regulatory agency reporting to the Alberta Minister of Sustainable Resource Development. Until now the agency has focused on major projects in such sectors as forestry, tourism, mining and water management.

When the new legislation for confined feeding operations (CFOs) came into effect on January 1, 2002, the NRCB gained responsibility for reviewing all proposals for new and expanding CFOs, holding public reviews, and monitoring and enforcing province-wide standards for all CFOs. Currently Bietz is the only sitting full-time NRCB board member. He says, "We have a small pool of acting members, but we are recruiting additional

members with the technical skill sets needed to deal with these complex agricultural issues."

"We're challenged for each application to determine whether the application is in the public interest."

Decision-making process

Andy Cumming, Head of Approvals at the NRCB's Lethbridge office, explains that the new application process is detailed but fairly straightforward. If an application meets all the regulations, standards and requirements, including those from referral agencies, then it will likely be approved.

"There may be some conditions or concerns that come up with any particular application, but a developer will have a fairly strong sense as to whether or not they meet the requirements and have a chance of being approved," says Cumming. "In the previous municipal process, local issues sometimes dictated how a decision was made, as opposed to issues based on standards."

"Along with this consistent science-based process, the NRCB has implemented an efficient 'one-window-to-government' approach for applicants," notes Cumming. For example, the NRCB forwards all CFO applications to the relevant municipality and Alberta Environment. As well, it may also forward applications to Alberta Sustainable Resource Development, Alberta Transportation and the regional health authority when input or approvals from these agencies are required.

"We see ourselves as designing a regulatory system so that the industry runs more effectively and

efficiently -- so they see having a regulatory system as part and parcel of the economic success of that industry," Bietz says. "We think that is ultimately in the public interest."

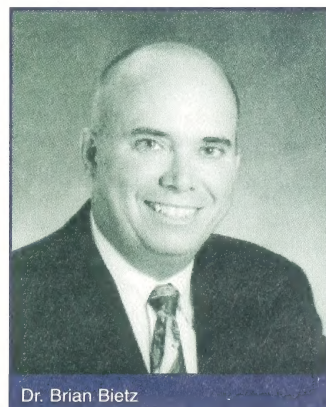
Cumming notes, "The one thing I would encourage potential applicants to do is to call one of the NRCB offices. We're very willing to talk with potential developers as well as the public to explain our process."

Complaints process

Responding quickly and effectively to complaints "is a critical piece for us," says Bietz. "If you can't do that, the complainant is not served and the industry is not served."

The NRCB's process for handling CFO complaints starts with its new 24-hour, toll-free line at 1-866-383-6722.

For more information, call the NRCB's regional office nearest you -- Lethbridge (403-381-5166), Barrhead (780-674-8303), Red Deer (403-340-5241), or Fairview (780-835-7111) -- or visit the NRCB's website at <www.nrcb.gov.ab.ca>.



Dr. Brian Bietz

Courtesy of NRCB

Advocating Positive Solutions

Along with an objective regulatory framework for developing and monitoring CFOs, the amendments to the Agricultural Operation Practices Act have another key aspect. They've given the Office of the Farmers' Advocate of Alberta a process for mediating complaints about non-regulatory concerns like noise, smoke and odours from agricultural operations.

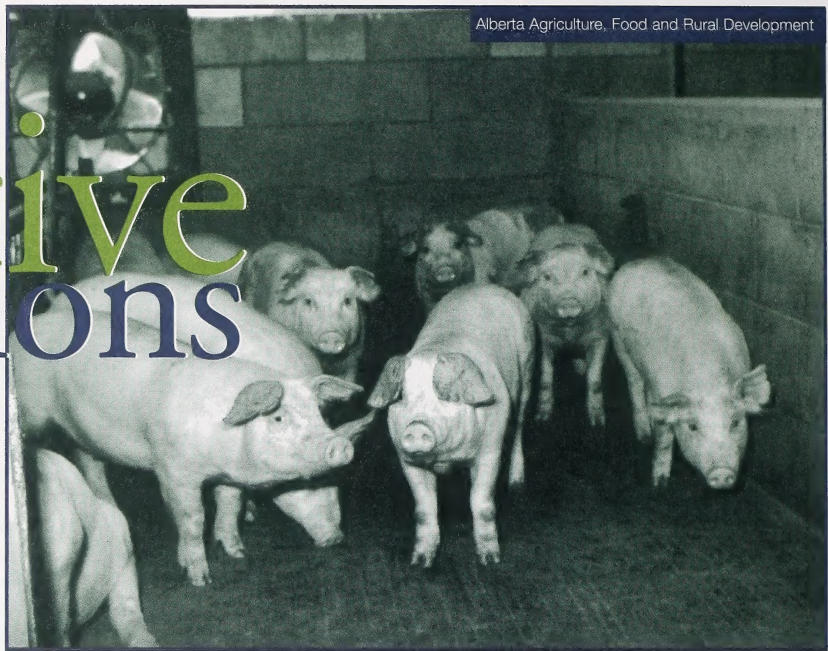
The Farmers' Advocate office is well suited to tackling this task. Created in 1973 to deal with the problems and concerns of farmers, one of the office's main roles is to assist in resolving disputes. "We're problem-solvers, mediators," explains Dean Lien, who has served as Farmers' Advocate since 1998. "We try to help rural Albertans in solving their own problems. We don't do it for them, but we try to lead them through a process so they can do it themselves."

Where a complaint concerns a CFO or other agricultural operation that is meeting the regulations, the Farmers' Advocate will give the operator and the complainant a way to resolve their disagreement outside of the courts. "These types of complaints about odours, noises and so forth were always there, but before there was no mechanism to deal with them. We've got it now," says Lien.

**"We try to help rural Albertans
in solving their own problems."**

Reasons for resolving

Lien points out some of the reasons why this dispute resolution process is vital to Albertans. First, it's important to help the industry become a better neighbour. "There are a lot of things that



could possibly be changed in an operation. For example, some hog operations have virtually no smell. They have systems in place in their feeding mechanisms and the way they handle manure, so there's basically no smell while others have significant odour issues. So there's a lot of room for improvement and recommendations."

Another reason is to raise the awareness of complainants about agriculture and what is involved in acceptable agricultural practices. "When people move out to acreages from the city, they need to be aware that there may be some of the things like odours, flies, and dust, that go with the agricultural industry. If you're going to live in a rural area, you have to expect some of that."

New resolution process

Under the amended Act, complaints about livestock operations are first reviewed by the NRCB to determine if the operation is in compliance with the regulations and standards. If it is complying, then the complaint may go to the Farmers' Advocate.

The Farmers' Advocate office does an initial investigation of the complaint. This includes a determination of whether it's a real or frivolous complaint. Lien explains that frivolous complaints are those arising out of a situation not related to the agricultural operation, such as personal jealousy or longstanding animosity. He notes, "When we receive frivolous

complaints, we have the right to recommend to the Minister that they not be dealt with."

If it's a real complaint, then the Farmers' Advocate attempts to mediate the dispute. If mediation is unsuccessful, then the Farmers' Advocate can set up an Agricultural Practices Review Committee, made up of industry peers, to determine whether the operation is following generally accepted practices. The committee also tries to mediate the complaint. If the dispute remains unresolved, then a report is written which can be used by the court system.

Lien says, "The peer review committee will be composed of people operating in the same sector as the operation the complaint is levelled at. For example, if it's a hog grower, we'll have people in the hog sector on the peer review committee. The peer review group will do a detailed study of the operation and develop some directions or suggestions. The recommendations could be for improving the operation, or we may say that there's nothing that can be done. The recommendations will go to the Minister, the operator and the complainant."

The NRCB and the Farmers' Advocate office are communicating and coordinating their efforts to ensure an effective complaints resolution process. So far, no complaints have been sent to the Farmers' Advocate, but Lien says the NRCB recently told him that some are coming.

For more information, contact the Office of the Farmers' Advocate at 780-427-2433.

Page Penney Stuart

Page Stuart says one of the major issues facing Alberta's feedlot industry is: "Restoration of public confidence that agriculture is proactively addressing ways to improve farming practices in a manner consistent with environmental sustainability.

We no longer have the luxury of the public's acceptance of farming as a way of life. We need to provide information on the substance of our practices, and communicate those practices effectively both to producers and to the public, while aggressively researching ways to continuously improve."

Stuart is part of the management team at Highland Feeders. This 36,000-head feedlot north of Vegreville has won provincial and national awards for environmental stewardship.

"We know that success in the cattle industry depends on maintaining exemplary environmental ethics," she says. "There is no question that our business depends on the care and well-being of both our cattle and the surrounding environment. By aligning goals of environmental enhancement with successful production, Highland has gained a reputation as the benchmark for successful environmental practices in the Alberta cattle feeding industry. As a result, we have proactively addressed growing public perceptions of negative impact on the environment by intensive livestock operations."

Stuart is Research Director and Human Resource Manager at Highland Feeders. She is also involved with many other aspects of the feedlot's business operation, such as data management, financial management, information technology and public relations.

"Sustainability is a critical part of our industry."

On AESA Council, she represents the Alberta Cattle Feeders' Association (ACFA). "Sustainability is a critical part of our industry. ACFA sees the AESA initiatives as congruent with our own policies and strategies," explains Stuart. AESA and ACFA share research priorities like water quality, and AESA has contributed to some ACFA research initiatives. She adds, "As a champion in the Environmental Farm Plan program, ACFA looks forward to working with the Council as ACFA serves as a facilitator."

Stuart has served on AESA Council for two years. She chairs the Council's task team working with the University of Alberta's Chair in Environmentally Sustainable Agriculture. "It has been a tremendous experience. I continue to be fascinated with the common passion of Council members given such a variety of representation – ranging from primary production to processing to packaging to our consumer, and including groups focused on conservation, law and wildlife, while representing every level of government," she says.

"The resulting balance produces a tremendous amount of energy, which increases the effectiveness of the group beyond what the represented organizations could accomplish individually."



Roger Bryan/AARFD

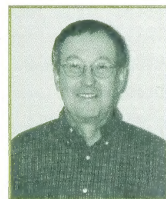
Doug Halberg

Peas play a vital role on Doug Halberg's farm near Forestburg. "I like the financial return from peas, and I very much like the things they have done for our soil. So it's been a win-win situation. We've been growing peas since we started farming, and I do believe that it has greatly improved the tilth, water retention and general condition of our soil."

He adds, "I don't think that you can have a sustainable farm without the inclusion of pulse crops in your rotation because of their soil conditioning effect. They seem to affect the microflora and fauna in the soil in a very positive way; they increase the biodiversity. Peas and other pulse crops also provide their own nitrogen and they rot down quite quickly. They lighten the commercial fertilizer load quite a bit."

Along with peas, the Halbergs grow wheat, barley and canola. He says, "The inclusion of a pulse crop permits a four-year cereal/broadleaf/cereal/broadleaf rotation which gives a four-year separation for each crop. This sequence provides a pathogen and pest break that greatly reduces the need for fungicide and insecticide applications. In fact, we've never seen an economic necessity for either." Other environmentally friendly practices on the Halbergs' farm include using minimum tillage and retaining wooded areas to provide a place for wildlife to thrive.

Halberg represents the Alberta Pulse Growers Commission on AESA Council. Over the years, he has held many positions with the Commission, including director, commissioner, vice-president, president and past president. He says, "The Commission wants to have sustainable agriculture, and sustainable, of course, includes profitable. So our objective is to promote research and technology transfer so there is a pulse crop available for anyone in Alberta to grow, whether they are in a very dry area or high moisture area."



Roger Bryan/AARFD

"I don't think that you can have a sustainable farm without pulse crops in your rotation."

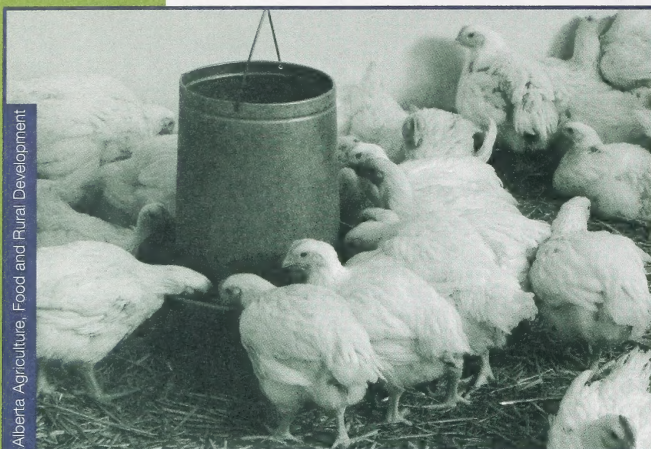
Since Halberg joined AESA Council in August, he's been getting his feet wet as part of Council's task team working with the University of Alberta's Chair in Environmentally Sustainable Agriculture. He's impressed with AESA's broad mandate, with activities like the Environmental Farm Plan initiative, and with the depth of knowledge represented on Council.

For Halberg, water quality is a key issue for environmentally sustainable agriculture. He hopes to see AESA expand its current monitoring program for surface water quality to include ground water. "If we ever get contamination in ground water, it'll be an enormous tragedy. So I would like to see a greater focus on the current situation of our groundwater."



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Alberta Agriculture, Food and Rural Development



"These manuals are part of a whole continuum of initiatives to have a sustainable environment."

Alberta's agricultural commodity groups are taking the lead in developing a new series of manuals on beneficial management practices (BMPs) for the environment. By providing an up-to-date reference source for BMP options, these manuals will also play a vital part in helping producers maintain a healthy environment.

Says Paul Hodgman, Assistant General Manager for Alberta Pork, "These manuals are part of a whole continuum of initiatives to have a sustainable environment. At one end, you have awareness activities to help people understand the issue, why they need to change, what's acceptable, what isn't. On the other end, you have standards, regulations and enforcement. And in between, you have several other key pillars that you need to sustain the environment. The BMP manuals are one of the pillars, a proper reference tool. The Environmental Farm Plan [voluntary, self-assessment] process is another. And research is another."

He emphasizes, "You need the whole continuum to have a really sustainable environment. Suppose you have the manuals and Environmental Farm Plans, and everybody knew about the issues, but you didn't have standards or anybody to enforce them. That's not very sustainable because some people may not follow the rules. And if you just had rules and nothing underneath them, that's not very conducive to getting people to address things proactively."

BMP Manuals – Better Options for a Healthy Environment

The seven manuals in the series cover pork, poultry, feedlot, dairy, cow/calf, horse and crop operations. The manuals discuss environmental risks and legal obligations, as well as such topics as barn management and manure management. "They focus on options for existing operations; we're not asking producers to build something new," says Tanya Moskal-Hebert of Alberta Agriculture, Food and Rural Development (AAFRD).

The BMP options go a step beyond the generally accepted practices in the Agricultural Operation Practices Act, notes Moskal-Hebert. She adds, "These options are what we believe are the most beneficial in terms of the environment. But they are not the only options, and producers will need to determine which options fit best with their own operations."

Development of each manual involves an in-depth process, says Moskal-Hebert. A steering committee with representatives from the commodity organizations, producers, and a coordinator maps out what topics need to be covered. Then technical specialists prepare a draft document, which is reviewed by government and industry specialists, producers and commodity groups, and edited for consistency and readability.

Most of the seven manuals will be printed this spring and summer, and they will be updated on a regular basis. The commodity groups will take the lead on distribution of the manuals.

A wide range of agencies are providing technical support and/or funding assistance for the development of these manuals, including the commodity groups, AAFRD, AAFRD's AESA Program, Agriculture and Agri-Food Canada's Prairie Farm Rehabilitation Administration, Canadian Adaptation and Rural Development Fund, Ag Initiatives Fund, and Western Economic Partnership Agreement.

For more information, contact Tanya Moskal-Hebert phone: 780-427-2933; email: tanya.moskal-hebert@gov.ab.ca

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The purpose of *Green Matters* is to provide a forum for discussion of environmental issues in Alberta's agriculture and food processing industry.

To subscribe to *Green Matters*, call 780-422-4385.

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